

Application No. 09/670,490
Amendment, dated June 15, 2004
Reply to Office Action of March 15, 2004

REMARKS

As a preliminary matter, in the Office Action mailed March 15, 2004, the Examiner did not indicate that the reference titled "STLC60 134S; TOSCA Integrated ADSL CMOS Analog Front-End Circuit; August 1999" that was listed under [Other Documents] on the PTO-1449 form mailed December 20, 2000 was considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Summary

Claims 1-10, 12-14, 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,621,346 by Nabicht et al. (hereinafter "Nabicht"). Claim 1 has been objected to due to an informality. Claims 11 and 15 have been objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form including all of the limitations of the base claim.

Status of Claims

Claims 1-5, 10, 17-19 and 21 have been canceled without prejudice. Claims 11-16 have been amended. No new matter has been added. Accordingly, claims 6-9, 11-16, 20 and 22 are pending in the application. Reconsideration of this application is respectfully requested.

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Claim Objections

Claim 1

Claim 1 has been canceled. Therefore, the objection to claim 1 is moot.

Claims 11 and 15

Claims 11 and 15 have been rewritten to include all the limitations of the claims from which they each originally depended. In view of these amendments, applicant submits that claims 11 and 15 are in condition for allowance.

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Claim Rejections Under 35 USC § 103(a)

Claims 1-5, 10, 17-19 and 21

Claims 1-5, 10, 17-19 and 21 have been cancelled without prejudice. Therefore, the rejections of claims 1-5, 10, 17-19 and 21 are rendered moot.

Claims 6-9

Applicant respectfully disagrees with the rejection of claim 6 because the Nabicht does not teach or suggest each and every limitation as recited in claim 6. Claim 6 recites, in part, “attenuating the downstream DSL signal before the downstream signal enters the amplifier circuit if the downstream DSL signal is above the predetermined threshold.” (emphasis added).

Nabicht does not teach or suggest attenuating the downstream DSL signal. Nabicht discloses an impedance matching circuit (Nabicht, col. 8, lines 48-53 and 56 of Fig. 5) to maintain a constant driving point impedance at the input to amplifier 54C (Nabicht, col. 11, lines 37-38). As a result, Nabicht does not teach or suggest attenuating the downstream signal before it enters the amplifier circuit 54C. Therefore, Nabicht does not teach or suggest the limitation “attenuating the downstream DSL signal before the downstream signal enters the amplifier circuit” as recited in claim 6. Accordingly, applicant submits that claim 6 is not obvious under 35 USC 103(a) in view of Nabicht and requests the allowance of said claim.

Given that claims 7-9 depend from claim 6, applicant submits that claims 7-9 are also patentable over Nabicht and requests the allowance of said claims.

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Claim 12

Claim 12 has been amended to depend from amended claim 11. As the Examiner has indicated that claim 11, as amended, is allowable subject matter, applicant submits that claim 12, as amended, is also allowable, and requests the allowance of said claim.

Claims 13 and 14

The Office Action states that Nabicht discloses:

the step of detecting the amplitude of the downstream DSL signal being performed by a digital signal processor (a programmable gain amplifier and a digital transceiver function 10 is preferably implemented as a high-performance digital signal processor (DSP), col. 5, line 60 to col. 6, line 3). Therefore, the function of programmable gain amplifier is similar to the function of the loss circuit[.]

(3/15/04 Office Action, page 5, lines 7-10, paraphrasing Nabicht).

It appears that the Office Action is asserting that Nabicht discloses a digital signal processor consisting of the digital transceiver 10 of Nabicht in combination with a programmable amplifier (unidentified in the Office Action). Then, without providing an analysis, the Office Action concludes that: "the function of the programmable amplifier is similar to the function of the loss circuit, [and] claim 13 is therefore rejected." Applicant respectfully disagrees with such a conclusion. It is respectfully submitted that Nabicht does not even mention a programmable gain amplifier in the cited text of the reference. In the text cited by the Office Action, Nabicht states:

Digital transceiver function 10 in central office modem 8 performs the appropriate and necessary processing upon digital signals as will be transmitted by, or as received by, central office modem 8. It is contemplated that digital transceiver function 10 is preferably implemented as a high-performance digital

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signal processor, such as the TMS320C6x, available from Texas Instruments Incorporated. Since both transmitted and received signals are to be processed by a digital transceiver function 10, one may consider its architecture as having a transmit side and a receive side.

(Nabicht, col. 5, line 60 to col. 6, line 3) (emphasis added).

As such, the cited text from the reference does not disclose a programmable gain amplifier as purported by the Office Action, nor any function of a programmable gain amplifier. Furthermore, Nabicht does not teach or suggest a "passive loss circuit," as recited in amended claim 13. Therefore, claim 13 is patentable over Nabicht.

Given that claim 14 depends from claim 13, applicant submits that claim 14 is also patentable over Nabicht and requests the allowance of said claim.

Claim 16

Claim 16, as amended, states "a passive loss circuit coupled to and controlled by the data processor for attenuating the downstream signal in response to the data processor detecting a downstream signal greater than the predetermined threshold," discussed above. Therefore, applicant submits that claim 16, as amended, is patentable over Nabicht and requests the allowance of said claim.

Claims 20 and 22

The Office Action rejected claims 20 and 22 on the ground that claim 20 and 22 are similar to claims 1-2 (now canceled), 6 and 14. Claims 20 and 22 include the limitation, "attenuating the downstream DSL signal before the downstream signal enters the amplifier circuit." As discussed above, Nabicht does not teach or suggest attenuating the downstream DSL

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signal before the signal enters the amplifier circuit. Accordingly, applicant submits that claims 20 and 22 are patentable over Nabicht and requests the allowance of said claims.

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CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. Applicant reserves all rights with respect to the application of the doctrine equivalents. If there are any additional charges, please charge them to our Deposit Account No. 02-2666. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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